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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

MAUREEN TOFFOLONI, as Administrator and Personal Representative of the ESTATE OF NANCY E. BENOIT, Plaintiff, vs. **LFP PUBLISHING GROUP, LLC,** d/b/a Hustler Magazine, et al, Defendant.	)))))))))))))	CASE NO. 1:08-cv-00421-TWT

JOINT CONSENT MOTION FOR ENTRY OF ORDER EXTENDING DISCOVERY DEADLINE

Defendant and Plaintiff hereby respectfully move this Honorable Court for entry of a consent order extending for two months the discovery deadline in the above-styled matter.

The discovery period is currently set to expire on February 25, 2010. (*See* Scheduling Order, Docket Index No. 58.) The parties respectfully submit that the discovery period in this case should be extended for two months for the following reasons: First, there are pending discovery motions, the resolution of which will govern the scope of necessary depositions and written discovery in this case, and the parties do not wish to incur the cost and expense of taking multiple depositions

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of the same witnesses if possible. Second, there are numerous non-party witnesses Defendant LFP intends to depose who reside throughout the country, such that scheduling the depositions at a time convenient for the witnesses and counsel for the parties has proved difficult given the travel required. Third, given that Ms. Benoit is deceased and her estate does not appear to possess many of her business records, there are additional challenges to identifying potential non-party witnesses with relevant knowledge and information, and Defendant LFP requires additional time to investigate and locate such non-party witnesses for subpoena or deposition. Finally, the parties anticipate that the U.S. Supreme Court will rule on Defendant's petition for certiorari in March or April 2010, and the requested extension will permit the parties to continue to pursue diligently appropriate discovery, but likely allow the parties and the Court to know whether a trial will be necessary at or near the end of the extended discovery period and whether dispositive and other pre-trial motions will be necessary.

For these reasons, the parties respectfully request that this Honorable Court grant an extension the discovery deadline until April 26, 2010.

A proposed order is submitted herewith.

Respectfully submitted this 21st day of January 2010.

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CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the within and foregoing **JOINT CONSENT MOTION FOR ENTRY OF ORDER EXTENDING DISCOVERY DEADLINE** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to Plaintiff's attorneys of record, who are participants in the EM/ECF system.

This 21st day of January 2010.

/s/ Darrell J. Solomon
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